

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSEPH T. DEAN and REBECCA P. DEAN,

Plaintiffs,

Case No. 05-60287

v.

Honorable John Corbett O'Meara

PAUL SHAMO and TAYLOR FORD, INC.,

Defendants.

**ORDER GRANTING
PLAINTIFFS' MOTION TO RE-EVALUATE FINDINGS OF FACT,
DENYING AS MOOT DEFENDANT SHAMO'S MOTION TO STAY, AND
GRANTING DEFENDANT SHAMO'S MOTION TO REOPEN CASE PROOFS**

This matter came before the court on post-trial motions by the parties to re-open the proofs to include supplemental medical records as trial exhibits. A bench trial was heard May 22-23, 2007; the parties filed proposed findings of fact and conclusions of law June 11-28, 2007. The following month, plaintiff Joseph Dean's orthopaedic surgeon removed the external fixator from Dean's leg.

Plaintiffs' motion, filed July 6, 2007, sought to inform the court of the removal "[b]ecause some of the damages recited in Plaintiffs' Proposed Findings of Fact related to the presence of the external fixator," and "it was felt that disclosure of the removal of the device would be appropriate." Plaintiffs' mot. at 2.

Defendant Shamo responded with a motion to stay the court's findings of fact and conclusions of law, as well as a judgment, "until such time as the parties may determine if it is necessary to move to re-open proofs to supplement the record with new medical information concerning Plaintiff's medical condition." Defendant's mot. at 2.

Plaintiffs responded to that motion and attached the affidavit of Dr. Robert Colen, plaintiff Joseph Dean's orthopaedic surgeon who had testified at trial. Defendant Shamo then filed a motion to re-open proofs to include supplemental records which were attached to the motion and are Dr. Colen's office notes for treatment Joseph Dean received after the close of proofs.

It is hereby **ORDERED** that the motions to re-open proofs are **GRANTED** and that the exhibits attached to those motions are now part of the record upon which the court will enter its findings of fact and conclusions of law.

It is further **ORDERED** that defendant Shamo's July 9, 2007 motion for stay is **DENIED AS MOOT**.

s/John Corbett O'Meara
United States District Judge

Date: March 20, 2008

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, March 20, 2008, by electronic and/or ordinary mail.

s/William Barkholz
Case Manager